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CalPSAB

CALIFORNIA PRIVACY AND SECURITY ADVISORY BOARD

Focus

WORKING TO IDENTIFY AND DEVELOP PRIVACY AND
SECURITY STANDARDS FOR CALIFORNIA'S FUTURE OF
HEALTH INFORMATION EXCHANGE.

The Advisory Board

In October 2007, the Secretary of the California Health and Human Services Agency (CHHS) established the California Privacy and Security Advisory Board (CalPSAB) to recommend privacy and security standards to the State to protect individuals' health information that is transmitted electronically.

CALPSAB BACKGROUND

During 2006 California participated in the national Health Information Security and Privacy Collaboration (HISPC) project tasked to assess and address the impact of organizational-level business policies and state laws regarding security and privacy of personal health information to the interoperability of electronic health exchange (HIE). The Governor designated the California Office of Health Information Integrity (CalOHII) to represent California. CalOHII partnered with the California Regional Health Information Organization (CalRHIO) on the initial phase of HISPC.

Participating stakeholders included medical groups, hospitals, clinics, county and State government programs, pharmacies, technology representatives, health plans, consumer and privacy advocates, independent physicians, and others.

Stakeholders identified variations in business practices, legal impediments, and potential solutions to those variations and impediments in three final reports; [Variations, Solutions, and Implementation Strategies](#). Two major findings emerged from the project: the need for a means to address privacy and security issues for HIE in California, and the need to enhance trust between stakeholders. The implementation plan recommended establishing an organizational structure which would address and coordinate HIE privacy and security efforts in California.

As a result the Secretary established a public-private partnership of advisors to oversee the establishment of the policies, principles and scope of privacy and security recommendations.



About CalPSAB

Mission

Develop and recommend privacy and security standards for California Health Information Exchange (HIE) that promote quality of care, protect the privacy and security of personal health information, and enhance trust.

Principles

- ✓ Openness
- ✓ Health Information Quality
- ✓ Individual Participation
- ✓ Collection Limitation
- ✓ Use Limitation
- ✓ Purpose Limitation
- ✓ Security Safeguards
- ✓ Accountability



Vision

Enable the electronic transfer of health information to improve the quality of care in a way that fosters trust.

Vision Objective

Create a set of rules that govern the privacy and security of health information in California by 2012.

Strategic Approach

Utilize a combination approach of addressing HIE issues from a specific project scenario perspective. For example, an analysis should consider a national use case and a local HIE effort in unison to create a scenario for which to analyze the issue.

Scope

The initial scope was originally submitted to the Advisory Board by the Applicability Task Group. As the scope pertains to the overall CalPSAB effort, the Advisory Board is currently revising the scope and expects to review the revision at their next meeting, scheduled for March 26, 2009.

CALPSAB FACTS:



The CalPSAB is a public and private collaborative body consisting of 20 CHHS appointed members.

The CalPSAB is supported by four committees that provide analysis and proposed solutions:

- Privacy
- Security
- Legal
- Education

There are over 225 Board and Committee volunteer members.



Privacy Committee



SUPPORT OBJECTIVE

The CalPSAB's Privacy Committee recommends solutions to address patient privacy and health care business practice issues that may hinder the exchange of health information in California.

– Privacy Task Groups –

Applicability (Joint with Security)

The Applicability Task Group was formed to determine how to apply electronic health information exchange (eHIE) privacy and security standards to safeguard an individuals' health information. The task group reviewed and analyzed four alternatives on how to standards to eHIE. The four options considered were: 1) based on data fields; 2) based on categories of data use; 3) to HIPAA-covered entities only; or 4) to all entities who handle individually identifiable health information. A blended version of alternatives 2 and 4 was recommended to the Advisory Board. The Advisory Board adopted the blended recommendation with some changes. The result is the CalPSAB [Statement of Scope](#) which defines how security standards will be applied to eHIE.

Consent

The Consent Task Group is identifying consent alternatives for patients to provide permission to have their personal health information used in an electronic health information exchange. Their goal is to provide a proposal to the Committee that balances the providers' need for health information with the patients' rights to privacy while taking into consideration the laws that protect specified health information in different health care situations.



1.

Privacy Baseline

The Baseline Standards Task Group evaluated and recommended a core set of privacy standards including Health Insurance Portability and Accountability Act (HIPAA) and various California laws. The CalPSAB adopted the recommended Privacy Baseline Standards in July 2008.

Privacy Categories

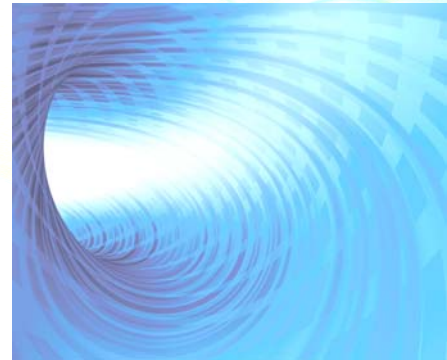
The CalPSAB Privacy Framework adapted the privacy categories used by HITSP:

- ❖ Collection
- ❖ Use
- ❖ Disclosure
- ❖ Consent
- ❖ Other Individual Rights
- ❖ Accountability & Oversight

Security Committee

SUPPORT OBJECTIVE

The CalPSAB's Security Committee is developing proposed security standards for the protection of electronically exchanged health information.



– Security Task Groups –

Security Baseline

The Security Baseline Standards Task Group is evaluating core existing sets of security standards including Health Insurance Portability and Accountability Act (HIPAA) and various other national and international standards. The Task Group is recommending HIPAA as the standards base to begin analysis and a blended set of existing security standards that will inform the development of solutions.



Applicability (see [Privacy](#))

Access Controls

The Access Controls Task Group has analyzed, and is recommending, the most efficient and effective standards for identity management, authentication, and authorization to safeguard the electronic exchange of individual health information.



Device & Media Controls

The Device and Media Controls Task Group was formed to identify a standard for protecting health information that may be stored in portable computing devices such as laptops, portable digital assistants (PDA), and smart phones. In addition, media is being addressed that includes but is not limited to: USB flash drives, compact disks or floppy diskettes for entities participating in interoperable health information exchange in California.

Legal Committee



SUPPORT OBJECTIVE



The California Privacy and Security Advisory Board (CalPSAB) Legal Committee provides legal input by sharing legal expertise to identify issues, to enhance understanding of legal issues and to offer alternatives. The committee consists of attorneys and other individuals from a broad spectrum of private and public entities and concerned community members.

– Legal Projects –

Privacy Law

The Privacy Law project reviewed pertinent California case law and created an approach to assist the Privacy and Security Committees when the committees are creating standards that involve consideration of an individual's privacy interests.

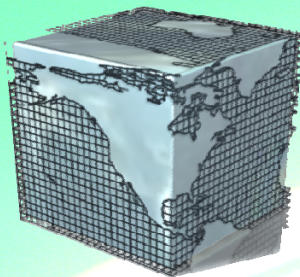


Interstate Consent

The interstate consent project has prepared background materials and is evaluating four different legal mechanisms to share health information between entities in different states.

CHILI

For use by the CalPSAB and its Committees, CalOHII, as the sponsor, has initiated the California Health Information Law Identification Project (CHILI) in conjunction with the Hastings School of Law. The CHILI will identify provisions of the Constitution of the State of California and all codified State statutes (or subdivisions thereof) that relate to the privacy or security of health information.



Education Committee

SUPPORT OBJECTIVE

The CalPSAB's Education Committee is charged with developing educational tools to inform stakeholders about HIE.



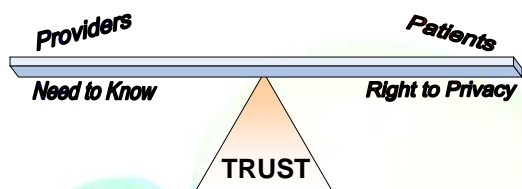
– Education Projects –

Communication Plan

The Communication Plan is for stakeholder education and outreach for the purposes of obtaining feedback on CalPSAB Principles and patient consent options. This outreach effort will be utilized to vet future CalPSAB recommendations. The outreach will also serve as a means to gather audience preferences relating to communication materials.



Consumer & Provider Audience



Consumer audience groups targeted for early education efforts include seniors, persons with chronic health conditions and parents with children. The Provider Audience project identified segments of provider stakeholders that are in the greatest need of early education in HIE; Small clinics, specialty groups and senior health facilities were identified as some of the early target groups.

Glossary

The CalPSAB Glossary terms are being collected and will be drawing upon the recently released HISPC glossary whereby HIE-related terms and definitions have been extensively reviewed and vetted. Once compiled and vetted, the Glossary will be presented to the CalPSAB for final review and approval.

CalPSAB Members & Stakeholders

California Privacy & Security Advisory Board

Name	Job Title	Organization
Veenu Aulakh	Senior Program Officer	California HealthCare Foundation
William Barcellona	Vice President of Government Affairs	California Association of Physician Groups
Pam Dixon (Co-Chair)	Executive Director	World Privacy Forum
Cindy Ehnes	Director	California Department of Managed Health Care
Todd Ferris	Associate CIO of IT Services	Stanford University School of Medicine
Leanne Gassaway	Regional Director State Affairs	America's Health Insurance Plans
Rory Jaffe (Co-Chair)	Executive Director	California Hospital Patient Safety
Karen Johnson	Chief Deputy Director	California Department of Health Care Services
Laura LaCorte	Associate Senior Vice President Compliance	University of Southern California
LaVonne LaMoureaux	Executive Director	California Health Information Association
Pamela Lane	Vice President Health Informatics	California Hospital Association
Kathryn Lowell	Deputy Secretary Health Systems and Life Sciences	California Business, Transportation and Housing Agency
Lynn McCullough	Board Member	American College of Emergency Physicians
Ken McElowney	Executive Director	Consumer Action
Joanne McNabb	Chief	Office of Information Security and Privacy Protections
David Nelson	Privacy Officer, San Diego County	California State Association of Counties
John Rice	Chief Operations & Infrastructure Support Division, Health Benefits Branch	California Public Employees' Retirement System
Lynn Rolston	Chief Executive Officer	California Pharmacists Association
Paul Smith	Policy Advisor	AARP

CalPSAB Board and Committees

- 19 appointed volunteer Advisory Board members
- 200+ volunteer Committee members
- 10 Support Staff

CalPSAB Stakeholders

Public Representation

- 22 – State Entities
- 17 – Counties
- 1 – City (Los Angeles)
- 1 – Federal Government (US Navy)

Private Representation

- 22 – Vendor Entities
- 21 – Hospital Entities
- 8 – Professional Associations
- 8 – Consumer Organizations
- 7 – Educational Institutions
- 5 – Payers
- 5 – Physician Groups
- 4 – Health Information Exchanges
- 2 – Healthcare Foundations

News & Events

CALPSAB SYMPOSIUM 2008

The 1st annual CalPSAB Symposium was held at the Sheraton Grand in Sacramento, California on October 28, 2008. In all there were 167 attendees.

KEYNOTE SPEAKERS

The Symposium featured keynote speakers:

- Kim Belshé, Secretary, California Health & Human Services Agency, and
- Mark Frisse M.D., M.B.A., M.Sc. Accenture Professor of Biomedical Informatics, Director, Volunteer eHealth Initiative, Vanderbilt Center for Better Health.



Secretary Belshé spoke about the 'Cornerstones of Health Information Exchange,' how the CalPSAB came about, and why HIE is important in California. Secretary Belshé also acknowledged the Advisory Board members, and the outstanding work done by the Privacy Committee's E-Prescribing Task Group. Two CalPSAB members were singled out for exceeding expectations in their dedication to the CalPSAB effort: David Nelson, Advisory Board member, and Dave Minch, Security Committee Co-chair.

EXPERT PANEL

An expert panel followed the Keynote Speakers:

- Alex Kam, Acting Director, California Office of Health Information Integrity
- Lori M. Evans, Deputy Commissioner Health Information Technology, New York
- Charles Parker, Chief Technology Officer, MassPro, Massachusetts
- Devore Culver, Executive Director, HealthInfoNet, Maine

Mark Frisse presented on "fear, greed, consequences and privacy" which centered on the current state of the economy, the consequences of how people are identified and labeled, and how information about our health can be used to embarrass us and even discriminate against us.



Alex Kam, Acting Director, California Office of Health Information Integrity, presented on health care in California and the balance needed between Providers and Consumers to make Health Information Exchange a reality in California.

COMMITTEE CO-CHAIRPANEL

The Co-Chair panel reported on CalPSAB Committee and Task Group efforts:

Security – Dave Minch, Security Committee Co-Chair

Security – Kevin Dickey, Security Committee Co-Chair

Privacy – Monica Moldovan, Privacy Committee Co-Chair

Advisory Board – Bobbie Holm, Advisory Board Manager

Education – Anne Drumm, Education Committee Manager

Legal – Suzanne Giorgi, Legal Committee Manager

California Health Information Law Index (CHILI) Project – Steven Bonoriss, Associate Director, Center for State and Local Government Law, UC Hastings College of the Law

BREAKOUT SESSIONS



Following the general presentations, four breakout sessions were offered:

- 1. Mental Health*
- 2. E-Prescribing*
- 3. Laboratories*
- 4. Emergency Departments*

Each breakout session included Subject Matter Expert Panelists.

Mental Health Panelists

Judith Miller – Compliance Officer, Los Angeles County Department of Mental Health

Kevin Dickey – Chief Information Security Officer, Contra Costa County and co-Chair CalPSAB Security Committee

T. Stephanie Oprendeck, Ph.D. – formerly with California Department of Mental Health

Sean Rashkis, J.D. – Staff Attorney, Disability Rights California

E-Prescribing

David Nelson, Privacy and Security Officer, San Diego County and representing County Supervisors Association of California

Mike Negrete, Chief Executive Officer, Pharmacy Foundation of California

Joanne McNabb, Chief, California Office of Privacy Protection

Timi Leslie, Manatt, Phelps & Phillips, LLP. and representing Northern Sierra Rural Health Network

Laboratories

Robert Folden, Lab Director, Catholic Healthcare West – Redding Mercy Medical Center

Lee Macklin, State of California, CIO's Office, Enterprise Architecture Group

Karen McGlinn, Executive Director, Share Our Selves

Beth Givens, Director, Privacy Rights Clearinghouse

Will Ross, Chief Technology Officer, Redwood MedNet

Emergency Department

Amy Hooper, RN, BSN, MBA, Director of Emergency Services, Mercy Hospital of Folsom

Dave Minch, HIPAA/HIE Project Manager, John Muir Health and co-Chair CalPSAB Security Committee

Marilyn K. Schuyler, California Department Public Health and Health Care Services, and representing California Office of Women's Health

Kam Coveyou, Information Officer, California Office of Privacy Protection

Laura Landry, Executive Director, Long Beach Network for Health

CLOSING REMARKS



Bobbie Holm, CalPSAB Manager and Chief, Policy Branch, Office of Health Information Integrity (CalOHII) provided the closing remarks for the Symposium. Bobbie noted that the CalPSAB effort needs to continue work to develop a common, transparent policy that ensures patient privacy and provides data necessary to improve health care using real-life examples, and lastly, "Maintain the Momentum!!"

We would also like to thank our Symposium sponsor's:



**California HealthCare
Foundation (CHCF)**



Anakam Inc.



Bull Services

Calendar of Upcoming CalPSAB Meetings

February 5 – Privacy Committee

February 19 – Security Committee

February 19 – Education Committee

February 27 – Legal Committee

March 26 – Advisory Board

For more information regarding CalPSAB Meeting schedules, please select "[PSAB Board & Committee Schedule](http://www.ohi.ca.gov/calohi/PSAB/tabid/56/Default.aspx)" located on the following URL: <http://www.ohi.ca.gov/calohi/PSAB/tabid/56/Default.aspx>

Note to our Readers: As this is our first issue, we wanted to introduce you to the CalPSAB and the folks who make up the Board and its committees. In the future, we plan to provide updates on the Advisory Board and committee efforts as well as upcoming events.

Look for future CalPSAB Focus newsletters two weeks after each Advisory Board meeting.

CalPSAB Meeting Dates:	Newsletter Publish Dates:
March 26, 2009	April 9, 2009
May 7, 2009	May 21, 2009
June 29, 2009	July 13, 2009
September, 30, 2009	October 14, 2009
December 9, 2009	December 23, 2009

Additional CalPSAB information can be found on the [CalOHII Web site](http://www.calohi.org).
For feedback or questions about participating in the CalPSAB efforts,
please send email to: PSAB@ohi.ca.gov.